

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

ABRA BOARD MEETING

February 5, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
DONALD BROOKS, Member  
MICHAEL SILVERSTEIN, Member  
NICK ALBERTI, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member  
HERMAN JONES, Member

P-R-O-C-E-E-D-I-N-G-S

(3:15 p.m.)

CHAIRPERSON MILLER: Okay, we're back on the record for the Board's agendas for this afternoon. We have licensing agendas and legal agendas and supplemental agendas.

Okay, so I'm going to start with the licensing agenda. Number 1 is a request for a change of hours for Ri Ra Irish Pub located at 3123-3125 M Street, N.W., License Number 92168.

And also, they are requesting proposed hours of entertainment, as well. Those hours of entertainment are Sunday through Thursday 6:00 p.m. to 2:00 a.m. and Friday through Saturday 6:00 p.m. to 3:00 a.m.

And they already have entertainment up until 12:30 a.m. Sunday through Thursday and up to 2:30 a.m. Friday through Saturday. I move that we approve this application, do I have a second?

MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Mr. Brooks  
2 has seconded the motion, any comments? All  
3 right then, all those in favor say aye.

4 (Chorus of ayes)

5 CHAIRPERSON MILLER: All those  
6 opposed? All those abstaining? The motion  
7 passes 7-0-0.

8 Number 2 is a change of hours  
9 request for Southeast Market located at 1500  
10 Independence Avenue, S.E. License Number  
11 08011. I move that we refer this request to  
12 licensing.

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: Mr. Alberti  
15 seconded the motion. All those in favor, say  
16 aye.

17 (Chorus of ayes)

18 CHAIRPERSON MILLER: All those  
19 opposed? All those abstaining? Motion passes  
20 7-0-0.

21 Number 3 is a letter requesting  
22 endorsement for offsite storage of invoices

1 for El Centro D. F. located at 1218 Wisconsin  
2 Avenue, N.W. License Number 00604. I move  
3 that we approve this request, do I have a  
4 second?

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti  
7 seconded the motion. All those in favor, say  
8 aye.

9 (Chorus of ayes)

10 CHAIRPERSON MILLER: All those  
11 opposed? All those abstaining? Motion passes  
12 7-0-0.

13 Number 4 is a request from  
14 Washington Wholesale Liquor Company seeking  
15 approval to provide products for retailers  
16 within the parameters of our regulations. And  
17 this is Wholesaler License Number 60518. I  
18 move that we approve, do I have a second?

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Mr. Alberti  
21 seconded the motion. All those in favor, say  
22 aye.

1 (Chorus of ayes)

2 CHAIRPERSON MILLER: All those  
3 opposed? All those abstaining? Motion passes  
4 7-0-0.

5 Number 5 is an application for  
6 manager's license for Mitchell J. Mellor,  
7 ABRA-94-174. I move that we approve.

8 MEMBER RODRIGUEZ: Second.

9 CHAIRPERSON MILLER: Mr. Rodriguez  
10 has seconded the motion. All those in favor,  
11 say aye.

12 (Chorus of ayes)

13 CHAIRPERSON MILLER: All those  
14 opposed? All those abstaining? Motion passes  
15 7-0-0.

16 Okay, I believe that completes the  
17 licensing agenda. And then we have a  
18 supplemental licensing agenda. Number 1 on  
19 the supplemental agenda is a request for new  
20 retail or grocery. The license, this is for  
21 Safeway, located at 3830 Georgia Avenue, N.W.,  
22 License Number 93822. I move that we continue

1       this request to next week, do I have a second?

2                   MEMBER SHORT:   Second.

3                   CHAIRPERSON MILLER:   Mr. Short has  
4       seconded the motion.   All those in favor, say  
5       aye.

6                   (Chorus of ayes)

7                   CHAIRPERSON MILLER:   All those  
8       opposed?   All those abstaining?   Motion passes  
9       7-0-0.

10                  Number 2 is a request for a class  
11       change from Retailer Class B, to Retailer  
12       Class A.   This is for Super Saver Grocery,  
13       located at 4413 14th Street, N.W., License  
14       Number 11247.

15                  I move that we deny this  
16       application, because the establishment is  
17       within 400 feet of Upshore Recreation Center,  
18       as indicated on the on the District of  
19       Columbia Geographic Information System.   So  
20       the motion is to deny, do I have a second?

21                  MEMBER ALBERTI:   Second.

22                  CHAIRPERSON MILLER:   Mr. Alberti

1 seconded the motion. Any other comments?

2 All those in favor say aye.

3 (Chorus of ayes)

4 CHAIRPERSON MILLER: All those  
5 opposed? All those abstaining? Motion passes  
6 7-0-0.

7 Number 3 is a review of an  
8 approved Class B licensee's application for a  
9 Class D restaurant. This is Dean & Deluca,  
10 located at 3276 M Street, N.W., License Number  
11 93723. I move that we refer this to  
12 Licensing, do I have a second?

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks  
15 has seconded the motion. All those in favor,  
16 say aye.

17 (Chorus of ayes)

18 CHAIRPERSON MILLER: All those  
19 opposed? All those abstaining? Motion passes  
20 7-0-0.

21 Number 4 is a request to  
22 involuntary transfer of Class C restaurant for

1     Awash, located at 2218-2220 18th Street, N.W.,  
2     License Number 20102. I move that we refer  
3     this to Licensing, do I have a second?

4                   MEMBER SHORT: Second.

5                   CHAIRPERSON MILLER: Mr. Short has  
6     seconded the motion. All those in favor, say  
7     aye.

8                   (Chorus of ayes)

9                   CHAIRPERSON MILLER: All those  
10    opposed? All those abstaining? Motion passes  
11    7-0-0.

12                   Number 5 is a request from  
13    Attorney James Willeford representing Abush,  
14    LLC, for involuntary transfer of Retailer B  
15    Grocery.

16                   This is for DC Mini Supermarket  
17    located at 1828 First Street, N.W., License  
18    Number 77803. I move that we refer this to  
19    licensing, do I have a second?

20                   MEMBER ALBERTI: Second.

21                   CHAIRPERSON MILLER: Mr. Alberti  
22    seconded the motion. All those in favor, say



1     aye.

2                     (Chorus of ayes)

3                     CHAIRPERSON MILLER: All those  
4     opposed? All those abstaining? Motion passes  
5     7-0-0.

6                     Number 6 is letter of  
7     documentation describing patio elevation for  
8     Nick's Riverside Grill that was previously  
9     effected by flooding. The address is 3050 K,  
10    Street NW, License Number 17308.

11                    It's not clear that they're  
12    necessarily seeking opinion, it could be FYI,  
13    but in any event, I would move that it shows  
14    that there's substantial change. Is there a  
15    second?

16                    MEMBER SILVERSTEIN: Second.

17                    CHAIRPERSON MILLER: Mr.  
18    Silverstein has seconded the motion. Any  
19    other comments? All those in favor, say aye.

20                    (Chorus of ayes)

21                    CHAIRPERSON MILLER: All those  
22    opposed? All those abstaining? Motion passes

1 7-0-0.

2 Okay, that concludes the licensing  
3 agendas. We have legal agendas. Okay, first  
4 on the legal agenda is a review of a  
5 settlement agreement dated January 14, 2014,  
6 between Victoria Rizzo and Rustik Tavern,  
7 located at 84 T Street, N.W., License Number  
8 86517. I move that we approve the settlement  
9 agreement with modifications.

10 I guess I'd like to say that will  
11 be communicated by our counsel, but I would at  
12 least reference that one modification deals  
13 with the provision that talks about how much  
14 money the applicant can spend and another  
15 talks about getting quotes for sound proofing.  
16 Do I have a second?

17 MEMBER JONES: Second.

18 CHAIRPERSON MILLER: Any other  
19 comments? Okay then, all those in favor of  
20 the motion say aye.

21 (Chorus of ayes)

22 CHAIRPERSON MILLER: All those

1       opposed? All those abstaining? Motion passes  
2       7-0-0.

3               Number 2 is a settlement agreement  
4       dated September 27, 2013, between ANC 2E. It  
5       involves El Centro, located at 1218 Wisconsin  
6       Avenue, N.W., License Number 84847.

7               My understand is that this is a  
8       settlement agreement that we sent back to the  
9       parties to modify in accordance with Board  
10      suggestions and it hasn't come back to us.  
11      And therefore, I think it's been a while,  
12      therefore I would move that we deny the  
13      settlement agreement. Do I have a second?

14              MEMBER ALBERTI: Second.

15              CHAIRPERSON MILLER: Okay, Mr.  
16      Alberti seconded the motion. Are there any  
17      other comments? Okay, then we have the motion  
18      to deny, all those in favor say aye.

19              (Chorus of ayes)

20              CHAIRPERSON MILLER: All those  
21      opposed? All those abstaining? Motion passes  
22      7-0-0.

1                   Number 3 is a request from E&J  
2                   Gallo to provide retailers with products  
3                   valued at more than \$50 and less than \$500.  
4                   I move that we approve.

5                   MEMBER RODRIGUEZ:   Seconded.

6                   CHAIRPERSON MILLER:   Mr. Rodriguez  
7                   has seconded the motion.   All those in favor  
8                   say aye.

9                   (Chorus of ayes)

10                  CHAIRPERSON MILLER:   All those  
11                  opposed?   All those abstaining?   Motion passes  
12                  7-0-0.

13                  And Number 4 is a request form  
14                  Kendall Jackson to provide retailers with  
15                  products valued more than \$50 and less than  
16                  \$500.   I move that we approve this request.  
17                  Do I have a second?

18                  MEMBER BROOKS:   Second.

19                  CHAIRPERSON MILLER:   Mr. Brooks  
20                  has seconded the motion.   All those in favor  
21                  say aye.

22                  (Chorus of ayes)

1 CHAIRPERSON MILLER: And all those  
2 opposed? All those abstaining? Motion passes  
3 7-0-0.

4 That concludes the legal agenda.  
5 We have one more item on a supplemental legal  
6 agenda. That's a request for reconsideration  
7 of Board decision dated January 29, 2014, from  
8 YFE, Inc., it involves 18th Street Lounge,  
9 located at 1212 18th Street, N.W., License  
10 Number 021211. I would move to deny this  
11 request on grounds that it is untimely. Do I  
12 have a second?

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: Mr. Alberti  
15 seconded the motion. All those in favor say  
16 aye.

17 (Chorus of ayes)

18 CHAIRPERSON MILLER: All those  
19 opposed? All those abstaining? Motion passes  
20 7-0-0.

21 Okay, that completes our agendas.  
22 As Chairperson of the Alcoholic Beverage

1 Control Board for the District of Columbia,  
2 and in accordance with Section 405 of the Open  
3 Meetings Amendment Act of 2010, I move that  
4 ABC Board hold a closed meeting on February  
5 12th, 2014 for the purpose of seeking legal  
6 advice from our counsel on the matter  
7 identified in the Board's agenda for February  
8 12, 2014, as published in the DC Register on  
9 February 7th, 2014. Is there a second?

10 MEMBER ALBERTI: Second.

11 CHAIRPERSON MILLER: Mr. Alberti  
12 seconded the motion. I'll take a roll call  
13 vote on the motion, now that it's been  
14 seconded. Mr. Brooks?

15 MEMBER BROOKS: I agree.

16 CHAIRPERSON MILLER: Mr. Alberti?

17 MEMBER ALBERTI: I agree.

18 CHAIRPERSON MILLER: Mr.  
19 Rodriguez?

20 MEMBER RODRIGUEZ: I agree.

21 CHAIRPERSON MILLER: Ms. Miller  
22 agrees. Mr. Silverstein?

1 MEMBER SILVERSTEIN: I agree.

2 CHAIRPERSON MILLER: Mr. Short?

3 MEMBER SHORT: I agree.

4 CHAIRPERSON MILLER: Mr. Jones?

5 MR. JONES: I agree.

6 CHAIRPERSON MILLER: It appears  
7 that the motion has passed by a 7-0-0 vote.

8 I hereby give notice that the ABC  
9 Board will hold this aforementioned closed  
10 meeting, pursuant to the Opens Meetings  
11 Amendment Act of 2010, notice will also be  
12 posted on the ABC Board Hearing bulletin  
13 board, placed on the electronic calendar, and  
14 ABRA's website, and published in the D.C.  
15 Register, in as timely a manner as  
16 practicable.

17 As Chairperson of the Alcoholic  
18 Beverage Control Board for the District of  
19 Columbia, and in accordance with Section 405  
20 of the Open Meetings Amendment Act of 2010, I  
21 move that the ABC Board hold a closed meeting  
22 on February 12th, 2014, for the purpose of

1 discussing and hearing reports concerning  
2 ongoing or planned investigations of alleged  
3 criminal or civil misconduct or violations of  
4 law or regulations and seeking legal advice  
5 from our counsel on the Board's investigative  
6 agenda for February 12th, 2014, as published  
7 in the D.C. Register on February 7th, 2014.  
8 Is there a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr.

11 Silverstein has seconded the motion. I'll now  
12 take a roll call vote on the motion before us,  
13 now that it's been seconded. Mr. Brooks?

14 MEMBER BROOKS: I agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON MILLER: Mr.

18 Rodriguez?

19 MEMBER RODRIGUEZ: I agree.

20 CHAIRPERSON MILLER: Ms. Miller

21 agrees. Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.



1 CHAIRPERSON MILLER: Mr. Short?

2 MEMBER SHORT: I agree.

3 CHAIRPERSON MILLER: Mr. Jones?

4 MR. JONES: I agree.

5 CHAIRPERSON MILLER: It appears  
6 that the motion has passed by a vote of 7-0-0.  
7 I hereby give notice that the ABC Board will  
8 hold this aforementioned closed meeting  
9 pursuant to the Opens Meetings Amendment Act  
10 of 2010, notice will also be posted on the ABC  
11 Board Hearing bulletin board, placed on the  
12 electronic calendar, and ABRA's website, and  
13 published in the D.C. Register, in as timely  
14 a manner as practicable.

15 And that concludes our business  
16 for February 5th, 2014, and we are adjourned.

17 (Whereupon, the foregoing matter  
18 went off the record at 3:30 p.m.)  
19  
20  
21  
22

<hr/> <b>A</b> <hr/> <b>\$50</b> 12:3,15 <b>\$500</b> 12:3,16 <b>a.m</b> 2:15,16,18,19 <b>ABC</b> 14:4 15:8,12 15:21 17:7,10 <b>ABRA</b> 1:6 <b>ABRA's</b> 15:14 17:12 <b>ABRA-94-174</b> 5:7 <b>abstaining</b> 3:6,19 4:11 5:3,14 6:8 7:5,19 8:10 9:4,22 11:1,21 12:11 13:2,19 <b>Abush</b> 8:13 <b>Act</b> 14:3 15:11,20 17:9 <b>address</b> 9:9 <b>adjourned</b> 17:16 <b>advice</b> 14:6 16:4 <b>aforementioned</b> 15:9 17:8 <b>afternoon</b> 2:5 <b>agenda</b> 2:8 5:17,18 5:19 10:4 13:4,6 14:7 16:6 <b>agendas</b> 2:4,5,6,6 10:3,3 13:21 <b>agree</b> 14:15,17,20 15:1,3,5 16:14,16 16:19,22 17:2,4 <b>agreement</b> 10:5,9 11:3,8,13 <b>agrees</b> 14:22 16:21 <b>Alberti</b> 1:16 3:13 3:14 4:5,6,19,20 6:21,22 8:20,21 11:14,16 13:13,14 14:10,11,16,17 16:15,16 <b>Alcoholic</b> 1:2,11,12 13:22 15:17 <b>alleged</b> 16:2 <b>Amendment</b> 14:3 15:11,20 17:9	<b>ANC</b> 11:4 <b>appears</b> 15:6 17:5 <b>applicant</b> 10:14 <b>application</b> 2:21 5:5 6:16 7:8 <b>approval</b> 4:15 <b>approve</b> 2:20 4:3 4:18 5:7 10:8 12:4,16 <b>approved</b> 7:8 <b>Attorney</b> 8:13 <b>Avenue</b> 3:10 4:2 5:21 11:6 <b>Awash</b> 8:1 <b>aye</b> 3:3,16 4:8,22 5:11 6:5 7:2,16 8:7 9:1,19 10:20 11:18 12:8,21 13:16 <b>ayes</b> 3:4,17 4:9 5:1 5:12 6:6 7:3,17 8:8 9:2,20 10:21 11:19 12:9,22 13:17 <hr/> <b>B</b> <hr/> <b>B</b> 6:11 7:8 8:14 <b>back</b> 2:4 11:8,10 <b>believe</b> 5:16 <b>Beverage</b> 1:2,11,12 13:22 15:18 <b>board</b> 1:2,6,12 11:9 13:7 14:1,4 15:9 15:12,13,18,21 17:7,11,11 <b>Board's</b> 2:4 14:7 16:5 <b>Brooks</b> 1:15 2:22 3:1 7:13,14 12:18 12:19 14:14,15 16:13,14 <b>Building</b> 1:12 <b>bulletin</b> 15:12 17:11 <b>business</b> 17:15 <hr/> <b>C</b> <hr/>	<b>C</b> 7:22 <b>calendar</b> 15:13 17:12 <b>call</b> 14:12 16:12 <b>Center</b> 6:17 <b>Centro</b> 4:1 11:5 <b>Chairperson</b> 1:13 1:15 2:3 3:1,5,14 3:18 4:6,10,20 5:2 5:9,13 6:3,7,22 7:4,14,18 8:5,9,21 9:3,17,21 10:18 10:22 11:15,20 12:6,10,19 13:1 13:14,18,22 14:11 14:16,18,21 15:2 15:4,6,17 16:10 16:15,17,20 17:1 17:3,5 <b>change</b> 2:9 3:8 6:11 9:14 <b>Chorus</b> 3:4,17 4:9 5:1,12 6:6 7:3,17 8:8 9:2,20 10:21 11:19 12:9,22 13:17 <b>civil</b> 16:3 <b>class</b> 6:10,11,12 7:8 7:9,22 <b>clear</b> 9:11 <b>closed</b> 14:4 15:9,21 17:8 <b>Columbia</b> 1:1 6:19 14:1 15:19 <b>come</b> 11:10 <b>comments</b> 3:2 7:1 9:19 10:19 11:17 <b>communicated</b> 10:11 <b>Company</b> 4:14 <b>completes</b> 5:16 13:21 <b>concerning</b> 16:1 <b>concludes</b> 10:2 13:4 17:15 <b>continue</b> 5:22	<b>Control</b> 1:2,11,12 14:1 15:18 <b>counsel</b> 10:11 14:6 16:5 <b>criminal</b> 16:3 <hr/> <b>D</b> <hr/> <b>D</b> 4:1 7:9 <b>D.C</b> 1:13 15:14 16:7 17:13 <b>dated</b> 10:5 11:4 13:7 <b>DC</b> 8:16 14:8 <b>deals</b> 10:12 <b>Dean</b> 7:9 <b>decision</b> 13:7 <b>Deluca</b> 7:9 <b>deny</b> 6:15,20 11:12 11:18 13:10 <b>describing</b> 9:7 <b>discussing</b> 16:1 <b>District</b> 1:1 6:18 14:1 15:18 <b>documentation</b> 9:7 <b>DONALD</b> 1:15 <hr/> <b>E</b> <hr/> <b>E&amp;J</b> 12:1 <b>effected</b> 9:9 <b>El</b> 4:1 11:5 <b>electronic</b> 15:13 17:12 <b>elevation</b> 9:7 <b>endorsement</b> 3:22 <b>entertainment</b> 2:13 2:14,18 <b>establishment</b> 6:16 <b>event</b> 9:13 <hr/> <b>F</b> <hr/> <b>F</b> 4:1 <b>favor</b> 3:3,15 4:7,21 5:10 6:4 7:2,15 8:6,22 9:19 10:19 11:18 12:7,20 13:15 <b>February</b> 1:10 14:4	14:7,9 15:22 16:6 16:7 17:16 <b>feet</b> 6:17 <b>first</b> 8:17 10:3 <b>flooding</b> 9:9 <b>foregoing</b> 17:17 <b>form</b> 12:13 <b>Friday</b> 2:16,19 <b>FYI</b> 9:12 <hr/> <b>G</b> <hr/> <b>Gallo</b> 12:2 <b>Geographic</b> 6:19 <b>Georgia</b> 5:21 <b>getting</b> 10:15 <b>give</b> 15:8 17:7 <b>going</b> 2:7 <b>Grill</b> 9:8 <b>grocery</b> 5:20 6:12 8:15 <b>grounds</b> 13:11 <b>guess</b> 10:10 <hr/> <b>H</b> <hr/> <b>hearing</b> 1:12 15:12 16:1 17:11 <b>HECTOR</b> 1:17 <b>HERMAN</b> 1:18 <b>hold</b> 14:4 15:9,21 17:8 <b>hours</b> 2:9,13,14 3:8 <hr/> <b>I</b> <hr/> <b>identified</b> 14:7 <b>Independence</b> 3:10 <b>indicated</b> 6:18 <b>Information</b> 6:19 <b>investigations</b> 16:2 <b>investigative</b> 16:5 <b>invoices</b> 3:22 <b>involuntary</b> 7:22 8:14 <b>involves</b> 11:5 13:8 <b>Irish</b> 2:9 <b>item</b> 13:5 <hr/> <b>J</b> <hr/>
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<b>J</b> 5:6	1:17,17,18 2:22		11:21 12:11 13:2	12:16 13:6,11
<b>Jackson</b> 12:14	3:13 4:5,19 5:8	<b>N</b>	13:19	<b>requesting</b> 2:12
<b>James</b> 1:17 8:13	6:2,21 7:13 8:4,20	<b>N.W</b> 1:13 2:10 4:2	<b>patio</b> 9:7	3:21
<b>January</b> 10:5 13:7	9:16 10:17 11:14	5:21 6:13 7:10	<b>placed</b> 15:13 17:11	<b>restaurant</b> 7:9,22
<b>Jones</b> 1:18 10:17	12:5,18 13:13	8:1,17 10:7 11:6	<b>planned</b> 16:2	<b>retail</b> 5:20
15:4,5 17:3,4	14:10,15,17,20	13:9	<b>posted</b> 15:12 17:10	<b>Retailer</b> 6:11,11
<b>K</b>	15:1,3 16:9,14,16	<b>necessarily</b> 9:12	<b>practicable</b> 15:16	8:14
<b>K</b> 9:9	16:19,22 17:2	<b>new</b> 5:19	17:14	<b>retailers</b> 4:15 12:2
<b>Kendall</b> 12:14	<b>met</b> 1:12	<b>NICK</b> 1:16	<b>PRESENT</b> 1:14	12:14
<b>L</b>	<b>MICHAEL</b> 1:16	<b>Nick's</b> 9:8	<b>presiding</b> 1:13	<b>review</b> 7:7 10:4
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